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10/806,084	03/22/2004	Kelly M. Christensen	STRATOS.006A	1383

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EXAMINER	
SMITH, SHEILA B	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/806,084	CHRISTENSEN ET AL.	
	Examiner	Art Unit	
	SHEILA B. SMITH	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-80* is/are pending in the application.

4a) Of the above claim(s) *12-33,38-43 and 49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-11,34-37,44-48 and 50-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7,9-11,34-37,44-48,50-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (U.S. Patent Publication Number 2002/0178441).

Regarding claim 1, Hashimoto discloses a method for responding to a broadcast segment, the method comprising: receiving the broadcast segment using a communication device (which reads on client terminal 50); extracting using the communication device (50 (which reads on the "process flow of carrying out the client software installed in the client terminals 50" as disclosed in paragraph 0062), at least a unique event identifier (which reads on program ID) corresponding to a specific instance of the broadcast segment (which reads on paragraph 0037); the unique event identifier being provided by a data manager (which reads on survey server 10), wherein the data manager (10) is separate from the communications device (50); detecting using the communication device (50), a selection by a user of the user options in response to the broadcast signal (which reads on paragraph 0033); extracting from the communications device (50) to determine a user identifier (63 as disclosed in paragraph 0041); creating using the communication device a data packet comprising at least the unique event identifier and the user identifier and communicating data packet to the data manager for responding to the data packet. (which reads on paragraph 0008).

Regarding claim 2, Hashimoto discloses the user response corresponds to the user tuning into a broadcast frequency (which reads on paragraph 0024).

Regarding claim 3, Hashimoto discloses a data packet comprising communicating a time corresponding to a time of broadcast (which reads on paragraph 0031).

Regarding claim 4, Hashimoto discloses comprising communicating a time corresponding to a time of user response (which reads on paragraph 0031).

Regarding claim 5, Hashimoto discloses the user identifier corresponds to a network address (which reads on paragraph 0023).

Regarding claim 6, Hashimoto discloses the user identifier corresponds to a telephone number (which reads on paragraph 0022).

Regarding claim 7, Hashimoto discloses the user identifier corresponds to a credit card (which reads on paragraph 0022).

Regarding claim 9, Hashimoto discloses the communications device is wireless (which reads on paragraph 0031).

Regarding claim 10, Hashimoto discloses the polling occurs over a wireless network (which reads on paragraph 0031).

Regarding claims 11, Hashimoto discloses using the communicated event identifier (program ID) to identify an event in a database (which reads on paragraph 0036).

Regarding claim 34, Hashimoto discloses everything claimed as applied above additionally, Hashimoto discloses a method for tracking and compiling user responses to a broadcast segment, the method comprising: providing at least one unique event identifier corresponding to a specific instance of the broadcast segment and at least one user option associated with the broadcast segment; broadcasting the at least one unique event identifier and the at least one user option associated with the broadcast segment over a data stream (which reads on paragraphs 0036-0037); receiving, using a broadcast receiver (which reads on client terminal), the broadcast segment, the at least one unique event identifier (which reads on program ID), and the at least one user option associated with the broadcast segment (which reads on paragraph 0041); detecting a selection by a user of the at least one user options in response to the broadcast segment (which reads on paragraph 0041); transmitting, using the broadcast receiver, at least one data packet in response to the broadcast segment (which reads on paragraph 0041); receiving the at least one data packet from the broadcast receiver in response to the broadcast segment; extracting the at least one unique event identifier from the at least one data packet, wherein an identity of a broadcaster of the broadcast segment can be determined by comparing the at least one unique event identifier with a lookup table (which reads on program

schedule database as disclosed in paragraph 0036); compiling a summary of user responses based on the extracted unique identifier; and generating a report for a third party based on the summary of user responses (which reads on paragraph 0072).

Regarding claim 35, Hashimoto discloses the at least one data packet was received without user initiation (which reads on internet broadcast as disclosed in paragraph 0035).

Regarding claim 36, Hashimoto discloses the at least one data packet is tracked according to user, and a user is rewarded for the receipt of the at least one data packet (which reads on internet broadcast as disclosed in paragraph 0025).

Regarding claims 37, Hashimoto discloses the at least one data packet (which reads on audience survey) was forwarded by a first user (view/listener) to a second user (which reads on "audience rating survey company"), and the first user is rewarded for the receipt of the at least one data packet (which reads on paragraph 0025).

Regarding claims 44, Hashimoto discloses detecting the response is performed by the communications device (which reads on paragraph 0070).

Regarding claims 45 and 66, Hashimoto discloses the extracting comprises polling the communications device (which reads on "receives the user Ids, device Ids and program Ids that are sent at every fixed time interval from the client terminals 50 where the users are viewing/listening to the internet-broadcasted program" as disclosed in paragraph 0070).

Regarding claims 46 and 67, Hashimoto discloses the communications device is a consumer device equipped with a broadcast transceiver (which reads on devices equipped with communication functions as disclosed in paragraph 0031).

Regarding claims 47, Hashimoto discloses the storing at least the unique event identifier (program ID) and the user options in the communications device for future retrieval (which reads on client software holding unit paragraph 0042).

Regarding claims 48, Hashimoto discloses the storing at least the unique event identifier and the at least one user option in the broadcast receiver for future retrieval (which reads on client software holding unit paragraph 0042).

Regarding claims 50 and 59, Hashimoto discloses the user identifier is a reference number associated with the communications device (which reads on paragraph 0063).

Regarding claims 51, Hashimoto discloses the user identifier is generated by a server (which reads on paragraph 0011).

Regarding claims 52, Hashimoto discloses the user identifier is generated by the user (which reads on paragraph 0022).

Regarding claims 53, Hashimoto discloses the at least one data packet includes a user identifier (which reads on paragraph 0026).

Regarding claims 54, Hashimoto discloses the broadcast receiver (which reads on client terminal) is a consumer device equipped with a broadcast transceiver (which reads on paragraph 0031).

Regarding claims 55, Hashimoto discloses the broadcast receiver is a cell phone which reads on paragraph 0031).

Regarding claims 56, Hashimoto discloses the broadcast receiver is a digital media player (which reads on paragraph 0031).

Regarding claims 57, Hashimoto discloses the broadcast receiver is a radio (which reads on paragraph 0031).

Regarding claims 58, Hashimoto discloses the extracting further comprises extracting a user identifier from the at least one data packet (which reads on paragraph 0026).

Regarding claims 60, Hashimoto discloses a method for configuring a communications device to respond to reception of a broadcast segment with a unique event identifier specific to the broadcast segment, the method comprising: configuring the communications device (which reads on user ID) to extract at least the unique event identifier (which reads on program ID)corresponding to the broadcast segment and at least one user option associated with the broadcast segment (which reads on paragraph 0040), the unique event identifier being provided by a data manager that is separate from the communications device (which reads on paragraphs 0036-0037); configuring the communications device to detect a selection by a user of the at least one user option in response to the broadcast segment (which reads on paragraph 0041); configuring the communications device to extract from the communications device a user identifier(which reads on paragraph 0041); configuring the communications device to create a data packet comprising at least the unique event identifier and the user identifier (which reads on paragraph 0072); and configuring the communications device to communicate the data packet to a server in response to detection of the selection by the user, wherein the server is configured to process the data packet (which reads on paragraph 0076).

Regarding claim 61, Hashimoto discloses the communications device is a consumer device equipped with a broadcast transceiver (which reads on "devices equipped with communication functions" as disclosed in paragraph 0031).

Regarding claims 62, Hashimoto discloses the consumer device is a cell phone (which reads on paragraph 0031).

Regarding claims 63, Hashimoto discloses the consumer device is a MP-3-digital media player (which reads on paragraph 0031).

Regarding claims 64 and 69, Hashimoto discloses the consumer device is a radio (which reads on "devices equipped with communication functions" as disclosed in paragraph 0031).

Regarding claims 65, Hashimoto discloses a method for tracking and compiling user responses to a broadcast segment, the method comprising: determining at least one unique event identifier and any user options associated with the broadcast segment corresponding to a specific instance of the broadcast segment (which reads on paragraph 0037); receiving at least one data packet from a user device in response to the broadcast segment, wherein the user device automatically generates the data packet, and further wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet (which reads on paragraph 0036 and 0037); extracting the at least one unique event identifier from the at least one data packet wherein the data packet further comprises at least a destination location for the response (which reads on paragraph 0040); compiling a summary of user responses based at least in part on the extracted unique identifier (which reads on program ID); and generating a report for a third party based on the summary of user responses (which reads on paragraph 0072).

Regarding claims 68 and 79, Hashimoto discloses the automatic generation of the data packet is in response to a user action.

Regarding claims 70, Hashimoto discloses the report comprises user demographic information (which reads on paragraph 0009).

Regarding claims 71 and 76, Hashimoto discloses the user demographic information comprises user age information (which reads on paragraph 0009).

Regarding claims 72 and 77, Hashimoto discloses the user demographic information comprises user location information (which reads on paragraph 0009).

Regarding claims 73 and 78, Hashimoto discloses the user demographic information comprises user gender information (which reads on paragraph 0009).

Regarding claims 74, Hashimoto discloses a method for tracking and compiling user responses to a broadcast segment, the method comprising: determining at least one unique event identifier corresponding to a specific instance of the broadcast segment (which reads on paragraph 0037); receiving at least one data packet from a user device in response to the broadcast segment, wherein the user device automatically generates the data packet and, further wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet (which reads on paragraph 0036-0037); extracting the at least one unique event identifier from the at least one data packet, wherein the data packet comprises at least a destination location for the response (which reads on paragraph 0040); compiling a summary of user responses based at least in part on the extracted unique identifier; and generating a report for a third party based on the summary of user responses, wherein the user report comprises demographic information (which reads on paragraph 0072).

Regarding claims 75, Hashimoto discloses the providing user options associated with the broadcast segment (which reads on paragraph 0031).

Regarding claims 80, Hashimoto discloses a method for broadcasting a unique event identifier corresponding to a specific instance of a broadcast segment, comprising: determining the unique event identifier (which reads on the program ID) that corresponds to the specific instance of the broadcast segment; preparing at least one element of data identifying the broadcast segment; formatting at least the unique event identifier into a data packet for transmission in a data stream (which reads on paragraph 0037); storing at least the unique event identifier, wherein reference to the unique identifier provides access to at least the one element of data identifying the broadcast segment (which reads on paragraph 0036); transmitting the broadcast segment in a main broadcast signal (which reads on paragraph 0073); transmitting at least the data packet in the data stream, wherein an identity of a broadcaster of the broadcast segment can be determined from the data packet (which reads on paragraph 0073); and generating a report at least in part on the unique event identifier (which reads on paragraph 0072).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (U.S. Patent Publication Number 2002/0178441) in view of Bishop et al. (U.S. Patent Number 6,611,201).

Regarding claim 8, Hashimoto discloses a user identifier, however, Hashimoto fails to specifically discloses the user identifier corresponds to a vehicle identification number.

In a similar field of endeavor Bishop et al. discloses a method and apparatus for accessing, monitoring and controlled specified functions features and accessories of a vehicle, in addition Bishop et al. discloses the user identifier corresponds to a vehicle identification number (as disclosed in column 16 lines 16-19).

Therefore, it would been obvious to a person of ordinary skill in the art to combine the use of the user identifier corresponds to a vehicle identification number as taught by Bishop et al. to the audience rating survey system of Hashimoto because it would provided a user identification in the mobile phone is permanently attached to the vehicle.

Response to Arguments

4. Applicant's arguments with respect to claims 1-80 have been considered but are moot in view of the new ground(s) of rejection.

5. The examiner contends the last office action was not a final rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEILA B. SMITH whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith
September 1, 2008

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